

IAP6 Rec'd PCT/PTO 30 MAR 2006

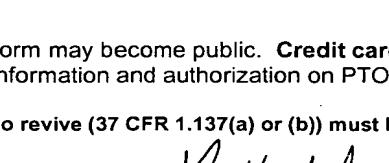
PTO-1390 (Rev. 02-2005)

Approved for use through 3/31/2007. OMB 0651-0021

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER <b>FISHER-Z-PCT-US</b> U.S. APPLICATION NO. (IF KNOWN) SEE 37 CFR 1.5 <b>09/974255</b>
INTERNATIONAL APPLICATION NO. PCT/AU2004/001330	INTERNATIONAL FILING DATE 28 September 2004 (28.09.2004)	PRIORITY DATE CLAIMED 01 October 2003
TITLE OF INVENTION: <b>MANUFACTURE OF CHOCOLATE PRODUCTS</b>		
APPLICANT(S) FOR DO/EO/US: <b>Nathaniel Gordon Lucas, John Wesley Taylor</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<b>Items 11. to 20. below concern document(s) or information included:</b>		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with pct rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>		

SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 2

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5) <b>10/5/1255</b>		INTERNATIONAL APPLICATION NO. PCT/AU2004/001330	Approved for use through 5/31/2007. GMB 0051-002		
The following fees are submitted:		<b>CALCULATIONS</b>		ATTORNEY'S DOCKET NUMBER FISHER-Z-PCT-US	
21. <input checked="" type="checkbox"/> Basic national fee .....		\$300.00		\$300.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) .....		\$100.00		\$200.00	
All other situations.....		\$200.00			
23. <input checked="" type="checkbox"/> Search fee .....					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....		\$100.00			
International Search Report prepared and provided to the Office.....		\$400.00		\$500.00	
All other situations .....		\$500.00			
<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$1,000.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
43 -100 =	0/50 =		x \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$.	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total Claims <b>20</b>	20-20=	0	X \$ 50.00	<b>\$ 0.00</b>	
Independent Claims <b>2</b>	2-3=	0	X \$200.00	<b>\$0.00</b>	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00		\$	
		<b>TOTAL OF ABOVE CALCULATION =</b>		<b>\$1,000.00</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$500.00	
		<b>SUBTOTAL =</b>		<b>\$500.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+		\$	
		<b>TOTAL NATIONAL FEE =</b>		<b>\$ 500.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+		\$	
		<b>TOTAL FEES ENCLOSED =</b>		<b>\$500.00</b>	
Amount to be refunded:				\$	
Amount to be charged:				\$	
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$500.00</u> to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit No. <u>08-3150</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:  Daniel J. Hudak, Jr. Hudak Shunk & Farine Co. LPA 2020 Front Street, Suite 307 Cuyahoga Falls, Ohio 44221 Tel: (330) 535-2220 Fax: (330) 535-1435					
 <b>SIGNATURE</b> <hr/> Daniel J. Hudak, Jr. NAME 47,669 REGISTRATION NUMBER					

SEND ALL CORRESPONDENCE TO:

Daniel J. Hudak, Jr.  
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Daniel Hudech Jr.  
SIGNATURE

~~SIGNATURE~~

**Daniel**

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10/5/2006

RECEIVED MAILING 2006

**CERTIFICATE UNDER 37 C.F.R. § 1.10 OF MAILING  
BY "EXPRESS MAIL"**

**Applicant:** Nathaniel Gordon Lucas, et al.  
**International Application No.:** PCT/AU2004/001330  
**International Filing Date:** 28 September 2004  
**Title:** MANUFACTURE OF CHOCOLATE PRODUCTS  
**Agent's Reference No.:** FISHER-Z-PCT-US  
**Date:** March 30, 2006

**EXPRESS MAIL RECEIPT NO.: EV 729416202 US**

**DATE OF DEPOSIT: March 30, 2006**

The undersigned hereby certifies that the attached papers were deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

HUDAK, SHUNK & FARINE CO. LPA

By:   
\_\_\_\_\_  
Daniel J. Hudak, Jr.  
Agent for Applicant

DJHjr/lb

Enclosures: Express Mail Certification  
Return postcard  
Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US)  
Concerning a filing under 35 USC §371 (in duplicate)  
Filing Fee by check of \$500.00  
Unexecuted Declaration for Utility or Design Patent Application  
Copy of International Application Published under the PCT  
WO 2005/029971 A1 (45 pages including 17 pages of drawings)  
with copy of International Search Report – 2 pages  
Copy of PCT Request – 5 pages  
Copy of International Preliminary Report on Patentability – 6 pages  
Preliminary Amendment  
Information Disclosure Statement, Form PTO-1449 and 3 refs.  
Copy of form PCT/IB/308